

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DAMIAN BELANDER,

Petitioner,

v.

DEAN MASON,

Respondent.

CASE NO. C23-6132-BHS-DWC

ORDER

This matter is before the Court on pro se petitioner Damian Belander's Motion for an Extension of Time, Dkt. 17, and on Respondent David Pedro's Motion to Substitute Respondent, Dkt. 19.

On April 12, 2024, Magistrate Judge David W. Christel entered a Report and Recommendation (R&R), Dkt. 16, recommending that the Court deny Belander's 28 U.S.C. § 2254 habeas petition and decline to issue a certificate of appealability. Five days after Judge Christel entered the R&R, Belander filed a motion for an extension of time, seeking an additional 180 days to reply to Pedro's response, Dkt. 13, to the habeas petition. Pedro interprets this motion as seeking an extension of time to object to the

1 R&R and does not oppose such an extension. Dkt. 18. The R&R was noted for  
2 consideration for May 3, 2024.

3 The deadline to reply to Pedro's response has expired, and Judge Christel entered  
4 the R&R before Belander sought an extension of time to file a reply. The Court  
5 accordingly interprets Belander's motion as seeking an extension of time to object to the  
6 R&R. The motion for an extension of time, Dkt. 17, is **GRANTED in part**. Belander  
7 shall file any objections to the R&R on or before **Wednesday, July 5, 2024**. If, by that  
8 date, Belander has still been unable to receive his "legal documents," Dkt. 17 at 3, he  
9 may seek an additional extension. The R&R is **RENOTED** for **July 19, 2024**.

10 The motion to substitute seeks to substitute the respondent in this matter from  
11 Pedro, the Superintendent of the Eastern Oregon Correctional Institution, to Dean Mason,  
12 the Superintendent of the Washington Corrections Center. Dkt. 19 at 1. The motion  
13 explains that, when Belander filed his habeas petition, he was confined in Oregon  
14 pending his return to Washington to serve his Washington sentence. *Id.* While Belander  
15 was in Oregon, Pedro was his immediate custodian. *Id.* Belander has since been  
16 transferred to Washington, and his immediate custodian is now Mason. *Id.*

17 "[T]here is generally only one proper respondent to a given prisoner's habeas  
18 petition. This custodian . . . is 'the person' with the ability to produce the prisoner's body  
19 before the habeas court." *Rumsfeld v. Padilla*, 542 U.S. 426, 434–35 (2004); *accord*  
20 *Stanley v. California Supreme Court*, 21 F.3d 359, 360 (9th Cir. 1994) ("A petitioner for  
21 habeas corpus relief must name the state officer having custody of him or her as the  
22 respondent to the petition.").

1 The motion to substitute, Dkt. 19, is **GRANTED**. The Clerk shall substitute the  
2 respondent in this matter from David Pedro to Dean Mason.

3 **IT IS SO ORDERED.**

4 Dated this 6th day of May, 2024.

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7 BENJAMIN H. SETTLE  
United States District Judge  
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